CQ529

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09/23/02 04:23 PM

To: <ceq_nepa@fs.fed.us>
cc:
Subject: NEPA Taskforce Comments

Please see attached comments from Forest Conservation Council on the CEQ NEPA Task Force notice and request for comments.

Sincerely,

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NEPATaskForceSept23.doc

CQ529

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September 23, 2002

Chairman James L. Connaughton
Council on Environmental Quality
C/O NEPA Task Force
PO Box 221150
Salt Lake City, UT 84122

Submitted electronically

Re: Request for Comments on National Environmental Policy Act Task Force (67 FR 45510)

Dear Chairman Connaughton:

Forest Conservation Council submits the following comments regarding the July 9 Federal Register notice outlining the National Environmental Policy Act ("NEPA") Task Force and its solicitation of comments on "ways to improve and modernize NEPA analyses and documentation and to foster improved coordination among all levels of government and the public." (67 FR at 45510.) Forest Conservation Council is a national, not-for-profit organization with offices in Santa Fe, New Mexico and Linden, Virginia. We have over 800 individual and business members across the nation. The mission of FCC is to protect and restore the native biological diversity of terrestrial and aquatic ecosystems throughout North America. FCC has actively participated in National Forest planning for over a decade.

Study Area A: Technology, Information Management, and Information Security

Government agencies must make better use of the best available information and base its NEPA documents on current science not outdated information. Further, the agencies must look to the science and information outside of their own ranks. Too often the only science cited in NEPA documents is that of the agency itself

In many of the EAs and EISs that FCC reviews, there are significant gaps between what the best available science indicates is an ecologically appropriate management approach and what the responsible agency actually proposes. Sometimes the preferred alternative even contradicts the recommendations of agency scientists. This is especially apparent for the Forest Service and its treatment of fire science and proposals to log our National Forests to reduce fire risk.

Often the analysis contained within an EA or EIS relies on information that is not readily available to the general public, and so interested parties cannot evaluate the applicability of the underlying assumptions. And more often then not the analyses of different topic areas within an EA or EIS are presented in a piecemeal fashion, so that the end result is a set of recommendations that is entirely disconnected not only from the best available science but also from the analytical underpinnings of the EA or EIS itself.

Finally, the federal government must incorporate the best available economic information into its NEPA analyses. Often the agencies claim that economic benefits and costs are not quantifiable or controversial, but that is simply incorrect. The methods used by economists to estimate ecosystem service values are, in fact, generally less controversial than the methods the agencies use to estimate the benefits and costs of its

programs and projects. For example, the General Accounting Office (GAO) recently concluded that "serious accounting and financial reporting deficiencies existed at the Forest Service during fiscal years 1998 and 1999 that precluded us from making an accurate determination of the total federal costs associated with the timber sales program for fiscal years 1998 and 1999. These deficiencies rendered the Forest Service's cost information totally unreliable."[1] In contrast, the methods used by economists to estimate ecosystem service values have been extensively and regularly peer reviewed for decades.

In making programmatic and site-specific decisions the agencies must incorporate information about economic values. For example the economic benefits associated with standing forests include:

1) recreational opportunities and tourism;
2) commercial and recreational fisheries;
3) habitat for important game species and hunting;
4) water for cities, industries, businesses, and individual households downstream;
5) the regulation of water flowing through rivers and streams, including flood control;
6) non-timber forest products such as wild mushrooms, herbs, and medicinal plants;
7) mitigation of global climate change through absorption and storage of vast amounts of carbon;
8) enhancing the quality of life of neighboring communities;
9) harboring biological resources that either have value now or have as yet unknown but potentially large economic and social value;
10) harboring biological and genetic resources that can improve the long-term productivity of all forest land;
11) pest-control services provided by species that prey on agriculture and forest pests, and;
12) pollination services provided by species that pollinate important forest and agricultural crops.

In making their programmatic and site-specific decisions the agencies must incorporate information about externalized costs passed on to communities, businesses, and individuals when agencies take certain actions. For example, the direct, indirect, and cumulative economic costs associated with logging national forests include:

1) lost recreational opportunities and decreased tourism;
2) degraded commercial and recreational fisheries;
3) degraded habitat for important game species and loss of hunting opportunities;
4) increased pollution of water for cities, industries, businesses, and individual households downstream and increased costs of water filtration;
5) increased flooding and disruption of the normal flows in rivers and streams.
6) loss of non-timber forest products such as wild mushrooms, herbs, and medicinal plants;
7) exacerbation of global warming through release of greenhouse gasses;
8) diminished quality of life of neighboring communities;
9) loss of biological resources that either have value now or have as yet unknown but potentially large economic and social value;
10) loss of biological and genetic resources that can improve the long-term productivity of all forest land;
11) diminished pest-control services provided by species that prey on agriculture and forest pests;

[1] General Accounting Office (2001). Financial Management: Annual Costs of Forest Service's Timber Sale Program Are Not Determinable, GAO-01-1101R. General Accounting Office.

12) diminished pollination services provided by species that pollinate important forest and agricultural crops.
13) lost jobs and income associated with timber production on private lands;
14) lost jobs and income associated with the production of alternative and recycled products that is displaced by subsidized federal logging;
15) death, injury, and property damage associated with logging, and;
16) increased risk of wildfires caused by adverse changes in microclimate, increased human access, and slash generated by timber sales.

Study Area B: Federal and Inter-governmental Collaboration

A pervasive problem in NEPA decision-making is a lack of coordination or outright conflict between federal agencies and/or between them and state or local agencies. As discussed above, often the science/research arm of an agency is not involved with important management planning endeavors at an early enough stage or is involved only peripherally, which can lead to contradictory recommendations and scientifically and legally vulnerable NEPA decisions. Additionally, intra-agency conflicts can draw-out and confuse NEPA processes and frustrate all parties concerned. While these problems often have more to do with how agencies are structured and funded, we feel that improved coordination within and between agencies is not only possible but necessary to realize the full potential of environmental planning and protection under NEPA.

Study Area C: Programmatic Analysis and Tiering

Programmatic analysis and tiering can prove invaluable if the analysis is consistent with principles of ecological and biological processes. The spatial (geographic) and temporal scale of an environmental analysis is predicated upon which species and resources are present in the planning area, and what activities are proposed.

Likewise, tiering can play an important role in environmental planning processes if the overarching programmatic analysis is done properly and if it is employed to verify the appropriateness and accuracy of the larger scale programmatic analysis and not simply to validate it. All too often tiered analyses are seen as an "easy out"—instead of making a good faith effort to evaluate and ground-truth the underlying assumptions of the programmatic analysis, site-level analysis utilize the original document as a stamp of approval for going forward with a given project.

Programmatic analysis and tiering can be further hampered by inadequate cumulative effects analysis. Unfortunately, incomplete, inadequate, or inexistent cumulative effects analyses are all too common in the NEPA documents we review. This problem has long plagued agencies responsible for preparing NEPA documents, despite recognition by scientists, the courts, and the CEQ itself. In fact, in 1997 the CEQ issued a report titled "Considering Cumulative Effects Under the National Environmental Policy Act" and concluded that consideration of cumulative effects is essential for evaluating and modifying alternatives to avoid adverse environmental impacts and developing appropriate mitigation and monitoring plans. The CEQ report specifically addresses the "scale" issue as follows:

> Many times there is a mismatch between the scale at which environmental effects occur and the level at which decisions are made. Such mismatches present an obstacle to cumulative effects analysis. For example, while broad scale decisions are made at the program or policy level (e.g., National Energy Strategy, National Transportation Plan, Base Realignment and Closure Initiative), the environmental effects are generally assessed at the project level (e.g., coal-fired

> power plant, interstate highway connector, disposal of installation land). Cumulative effects analysis should be the tool for federal agencies to evaluate the implications of even project-level environmental assessments (EAs) on regional resources. (Id. at 4.)

Clearly, incorporating cumulative impacts analysis into every NEPA decisional document is not only required by the act itself (40 CFR § 1508.7) but is necessary to achieve an accurate depiction of potential impacts at both the project and programmatic levels.

Study Area D: Adaptive Management/Monitoring and Evaluation Plans

All too often adaptive management in invoked during NEPA analysis but never actually implemented and more often than not the temporal scales of project implementation and the data necessary for adaptive management are at odds. Much of the information critical for adaptive management may take decades to collect or become measurable. The ability to design appropriate adaptive management programs so far has been hampered by a lack of current, quality baseline environmental data.

Study Area E: Categorical Exclusions

Categorical exclusions include a class of federal activities that take place that do not undergo environmental analysis or meaningful public comment. Categorical Exclusions are meant for very insignificant activities such as the construction of outhouses or painting government facilities, not large-scale activities such as timber sales. NEPA already allows for an abbreviated environmental review of those activities that do not pose a significant impact (Finding of No Significant Impact or FONSI). A more efficient way to streamline the process would be to eliminate the CE exemption altogether. The range of activities and impacts included in the Categorical Exclusion policies of the federal government should not be expanded.

Thank you for the opportunity to comment. Please notify us when any other opportunities to participate arise.

Sincerely,

Bryan Bird
Director
Forest Conservation Council